

REMARKS

Claims 1-8 and 10 are pending. Applicant submits that the amendments do not add new material to the current Application. Support for the amendments can be found on at least page 9, lines 7-10. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment made is for the purpose of narrowing the scope of any claims, unless Applicant argues herein that only such amendment is made to distinguish over a particular reference or combination of references.

Claims 1-8 and 10 are patentable over Switkes (J. Vac Sci Technology) and Niki (US 5,326,675) under 35 U.S.C. 103(a).

Applicants respectfully submit that claims 1-8 and 10 are not obvious over Switkes and Niki. The Examiner has failed to make a *prima facie* case of obviousness. The combination fails to teach or suggest every feature of each claim

For example, Switkes and Niki fail to teach or suggest to a skilled artisan a shield layer impervious to said particular immersion medium, as stated in independent claims 1 and 6. The Examiner contends that a skilled artisan would be motivated to use Niki's acid coating layer as a shield over in Switkes immersion lithography process because, "The acidic coating layer shields harmful components that inhibit the reaction." However, Niki is discussing a radiation reaction as compared to a chemical reaction as discussed in Applicant's specification. As outlined in the background section of Applicant's specification, Switkes "discusses immersion lithography and indicates that some resists are inherently suitable for use in immersion lithography processes." In the Introduction section Switkes explains how water is a preferred immersion medium. Niki is an example of using chemically-amplified resists (CARs). However, Niki does "not envisage use of immersion lithography techniques and so often propose water-soluble top coatings." (Applicant's Background Section.) Niki's proposed acidic coating layer is water-soluble. Niki is not designing the acidic coating for immersion lithography and hence does not have this restraint. Hence, Niki's proposed acid coating layer cannot be Applicant's shield layer because Niki's acid coating layer is not "impervious to said particular immersion medium," as required in the claims. For at least these reasons all pending claims are patentable over Switkes and Niki.

With respect to claim 6 and its dependencies the combination fails to teach or suggest additional features. Even if Niki's acid coating layer was a suitable shield layer, Niki only discusses forming the acidic coating layer over the radiation-sensitive layer and does not state any importance about having the coating layer on the sides of the radiation-sensitive layer. Switkes also is silent on this feature. Hence, Switkes and Niki fail to teach or suggest to a skilled artisan, that the shield layer is "is over the top and sides of the photoresist layer," as stated in independent 6. Hence, claim 6 and its dependencies are patentable over the cited references for an additional reason.

Also, with respect to independent claim 6 (its dependencies) and dependent claim 3, Switkes and Niki also fail to teach or suggest to a skilled artisan that a coating layer is formed of a material having pH-dependent solubility. Both references are silent as the pH of a coating layer. (Switkes is silent because Switkes does not even teach or suggest a coating layer.) Hence, this feature of claims 3 and 6 make these claims and all claims depending from them patentable over Switkes and Niki for yet another reason.

The Office Action contains numerous statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

Respectfully submitted,

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